

## **REMARKS**

This paper is filed in response to the Office Action dated February 10, 2004. As this paper is filed on June 10, 2004 with a one-month petition for extension of time, the paper is timely filed.

### **I. Status of Amendments**

Claims 34, 35, 38, and 55-66 were pending prior to this amendment. By this amendment, applicants amend claim 62. Thus, claims 34, 35, 38 and 55-66 are now pending.

Because applicants previously paid fees for 6 independent and 47 total claims, applicants' amendments do not require a further fee to be paid.

### **II. Response to February 10 Office Action**

Claim 59 is rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 62 and 63 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Claims 34, 35, 38, 55-61, 64 and 65 are rejected under 35 U.S.C. 102(a) as allegedly anticipated by Pascal (PCT Publ. No. WO 98/00210), and claim 62 is rejected under 35 U.S.C. 103 as allegedly unpatentable over Pascal. Finally, claim 66 is rejected under 35 U.S.C. 103 as allegedly unpatentable over Pascal in view of Breeding (U.S. Patent No. 6,019,374).

As to the section 112, first paragraph, rejection, applicant submits that the phrase "automatically initiating play at the second permitted rate of play irrespective of player input when the second permitted rate of play is permitted" in claim 59 meets the written description requirement. In particular, applicants note that at paragraph [0071], lines 13-15, it is stated that: "In another variation of this embodiment, the gaming machine may be programmed to self-initiate an accelerated auto-play mode wherein the gaming machine will itself initiate new games faster than possible by any player." It is believed that this section of the specification supports claim 59, and provides written description therefor. Consequently, applicants request that the rejection be withdrawn.

As to the section 112, second paragraph, rejection, applicants have amended claim 62 in keeping with the examiner's suggestion. Applicants submit that this amendment is in keeping with the originally intended meaning for the claim.

As to the section 102 and 103 rejections based on Pascal, applicants have the following comments.

Claim 34 recites a method of tournament gaming. The method includes providing a plurality of gaming devices adapted for tournament play and configured to play at least one game of chance at variable rates of play and initiating a tournament game of chance on at least one gaming device of the plurality of gaming devices. The method further includes playing the tournament game of chance at a first permitted rate of play and changing the rate of play to a second permitted rate of play in response to at least one selected game outcome of the at least one game of chance.

In regard to Pascal, applicants disagree that Pascal discloses, teaches or suggests "playing the tournament game of chance at a first permitted rate of play and changing the rate of play to a second permitted rate of play in response to at least one selected game outcome of the at least one game of chance."

At the outset, the "permitted rate of play", is not, as the rejection appears to suggest, a rate of play determined by the player. As reflected in the specification, paragraph [0071], lines 3-5, "one or more 'winning combinations' may be used to lead to a bonus situation in which a tournament player is allowed (permitted) to play at a rate relatively faster than that normally permitted by gaming device circuitry in tournament play." See also, the remainder of paragraph [0071]. The "permitted rate of play" is thus dictated by the gaming machine, not determined by the player.

As for such a disclosure, teaching or suggestion in Pascal, there is none. Pascal is completely silent on any change in "permitted rate of play," discussing only the changes in the rate of play that may be caused by the player's choices. It is submitted that, at best, one of ordinary skill in the art would understand Pascal to teach a single maximum rate of play dictated by the hardware and/or software of the gaming machine. Thus, Pascal is missing disclosure, teaching or suggestion regarding each and every limitation of claim 34, and therefore does not anticipate claim 34.

Claims 35, 38, 55-61, 64 and 65 depend from claim 34. Because Pascal does not disclose, teach or suggest each and every limitation of the claimed subject matter of claim 34, as discussed above, claims 35, 38, 55-61, 64, and 65 are allowable as they include all of the limitations of claim 34 by virtue of their dependency from claim 34. Consequently, these claims are also allowable.

As to the section 103 rejection based on the combination of Pascal and Breeding, applicants note that, according to the preceding argument, Pascal does not teach, disclose or suggest each and every limitation of the claims from which claim 66 depends. Applicants further submit that Breeding does not provide the disclosure, teaching or suggestion missing from Pascal. Consequently, the combination of Pascal and Breeding does not show each and every limitation of the claimed subject matter of claim 66, and the claim is allowable.

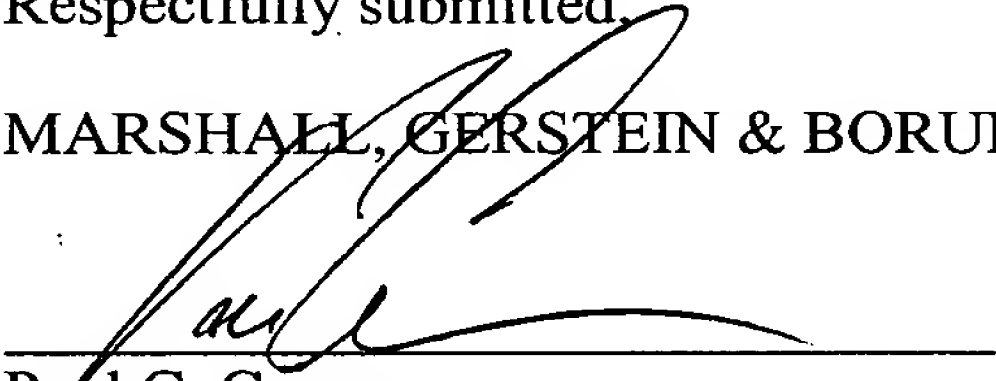
In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

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By:

  
\_\_\_\_\_  
Paul C. Craane  
Registration No. 38,851  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300